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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT TACOMA**

10 JANET TILLERY,

11 Plaintiff,

12 vs.

13 ELIZABETH BOWER and JOHN DOE  
14 BOWER, wife and spouse and the marital  
15 community composed thereof; THE UNITED  
16 STATES OF AMERICA, and THE UNITED  
17 STATES POSTAL SERVICE, a governmental  
18 entity,

19 Defendants.

Case No.:

**COMPLAINT FOR DAMAGES**

20 COMES NOW the above named Plaintiff, Janet Tillery, by and through her attorney  
21 Casey M. Arbenz of the Puget Law Group, LLP., alleges as follows:

22 **I. PARTIES**

23 1.1 The Plaintiff, Janet Tilley, was at the time of the accident a single person  
24 residing in Pierce County, Washington.

25 1.2 The Defendant Elizabeth Bower and John Doe Bower, whose true name is  
26 presently unknown, are believed to form a marital community in the state of Washington and  
27

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are believed to be residents in Pierce County, Washington. All acts and omissions of defendant Elizabeth Bower alleged herein were made for the benefit of defendants Elizabeth Bower and John Does marital community. All acts and omissions of defendant John Doe Bower alleged herein were made for the benefit of defendants Elizabeth Bower and John Does marital community.

1.3 The United States Postal Service (USPS) is an agency of the defendant United States of America, which operates in the state of Washington. The claims asserted herein against the USPS are treated as law as claims against the United States of America. At all times alleged herein, defendant Elizabeth Bower was employed by defendant USPS, and was acting within the scope of that employment and/or as a duly authorized agent of defendant USPS.

## II. VENUE AND JURISDICTION

2.1 Venue and jurisdiction in this action lies within the United States District Court for the Western District of Washington at Seattle, pursuant to 39 U.S.C. § 409(a); and, 28 U.S.C. § 1339. Defendant USPS is a federal entity, subject to original jurisdiction in the United States Courts. The motor vehicle collision, which is the subject of this litigation, occurred in Pierce County, Washington. Defendants, Bowen are believed to be residents of Pierce County, Washington. Pierce County is within the Western District of Washington.

2.2 On April 19, 2021, Plaintiffs delivered, via ABC Legal Messenger the federal tort claim to the Tort Claims Coordinator, United States Postal Service, 34301 9<sup>th</sup> Ave S, Suite 243 in Federal Way, WA 98003. A true and correct copy of the April 19, 2021, letter

1 from Mr. Joel Oblero, Tort Claims Examiner/Adjudicator with the USPS Law Department  
2 National Tort Center acknowledging receipt of the federal tort claim is attached as **Exhibit A**.

3 2.3 The letter from Joel Oblero states that the tort claim was received by the USPS  
4 on April 19, 2021.

5 2.4 The federal tort claims referenced above concerned the circumstances and  
6 injuries alleged herein.

7 2.5 The United States District Court has original jurisdiction over the subject  
8 matter of the claims asserted herein against the United States of America and USPS.

9 2.6 Venue for this matter exists in the United States District Court for the Western  
10 District of Washington at Seattle, because the Plaintiffs reside within this judicial district, and  
11 the acts and omissions that are the subject matter of this lawsuit occurred within this judicial  
12 district.

### 13 III. FACTS

14 3.1 On May 12, 2019, defendant Elizabeth Bower was operating a vehicle owned  
15 by defendant USPS.

16 3.2 On May 12, 2019, plaintiff, Janet Tillery was travelling southbound on state  
17 route 7 near 340<sup>th</sup> street in Eatonville, WA. Ms. Tillery had the right of way as she traveled  
18 down a two-lane road.

19 3.3 On May 12, 2019, at 7:30 pm., defendant Elizabeth Bower attempted to make a  
20 left-hand turn and entered the roadway, crashing into Ms. Tillery at a high rate of speed.  
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1           3.4     At all times alleged herein, defendant Elizabeth Bower was employed by  
2 defendant USPS, and was acting within the scope of that employment and/or as a duly  
3 authorized agent of defendant USPS.

4           3.5     As a result of the collision, Janet Tillery suffered damages including bodily  
5 injuries, personal property damage and pain and suffering.  
6

7                           **IV.     CAUSES OF ACTION**

8           a.     Plaintiff incorporates all prior paragraphs as if set forth fully herein.

9           4.2     Defendant Elizabeth Bower owed a duty of care to Plaintiff to act as a  
10 reasonably prudent driver. Defendant Elizabeth Bower breached that duty, which breach  
11 constituted negligence and/or recklessness.  
12

13          4.3     Defendant Elizabeth Bower's negligence and/or recklessness included, but was  
14 not limited to, failing to use due care and caution in violation of RCW 46.61.445; operating  
15 her vehicle in such manner as to endanger other persons in violation of RCW 46.61.525;  
16 failing to make a left-hand turn with reasonable safety in violation of RCW 46.61.300; and  
17 operating her vehicle with a willful and wanton disregard for the safety of persons or property  
18 in violation of RCW 46.61.500.  
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20          4.4     Defendant United States of America (USPS), by its own independent  
21 negligence and/or by the doctrine of respondeat superior, is responsible for the collision in  
22 which defendant Elizabeth Bowe was involved, and the damages caused thereby to the  
23 Plaintiff.  
24

25                           **V.     NEGLIGENCE OF OTHERS**

26          5.1     Plaintiffs reallege Paragraphs 1.1 through 4.4 of this Complaint.  
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1           5.2     Plaintiffs are not aware of any other person or entity that caused injuries and/or  
2 damage to Plaintiff or who have contributed to the negligence of the Defendants in this  
3 matter.

4                               **VI.     DAMAGES**

5           6.1     Plaintiffs reallege Paragraphs 1.1 through 5.2 of this Complaint.

6           6.2     As a direct and proximate result of Defendants' negligence and/or  
7  
8 recklessness, plaintiff Janet Tillery has sustained substantial and permanent injuries, the exact  
9 extent of which are unknown, but which include injuries to the body, which are permanent  
10 and disabling and is entitled to fair and reasonable compensation.

11           6.3     As a further direct and proximate result of Defendant's negligence and/or  
12  
13 recklessness, plaintiff Janet Tillery has incurred, and will in the future continue to incur,  
14 reasonable and necessary expenses, medical expenses, out of pocket expenses, lost market  
15 services, lost wages and other economic damages and is entitled to fair and reasonable  
16 compensation.

17           6.4     As a direct and proximate result of Defendants' negligence and/or  
18  
19 recklessness, plaintiff Janet Tillery has incurred property damage, and has, and may continue  
20 to, incur loss of use and diminished value of said property and is entitled to fair and  
21 reasonable compensation.

22           6.5     As a further direct and proximate result of Defendant's negligence and/or  
23  
24 recklessness, plaintiff Janet Tillery has suffered and will in the future, continue to suffer pain,  
25 mental anguish and suffering, and loss of enjoyment of life, past and future disability and is  
26 entitled to fair and reasonable compensation.

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6.6 Plaintiff is entitled to reasonable attorney fees.

6.7 Plaintiff is entitled to prejudgment interest of all medical and other out of pocket expenses directly and proximately caused by the negligence alleged in this complaint.

6.8 Plaintiff is entitled to costs and disbursements herein.

## VII. RELIEF REQUESTED

WHEREFORE, Plaintiff asks that the Court grant for the following relief:

1. Judgment for Plaintiff against Defendants, and each of them, for all damages to be proven at trial;
2. General Damages for Plaintiff in such amounts to be proven at trial.
3. Special Damages for Plaintiff in such amounts to be proven at trial.
4. Taxable costs and attorney fees incurred by the Plaintiff; and
5. For such other and further relief as the Court deems just and equitable, including prejudgment interest.

DATED this 20<sup>th</sup> day of October, 2021.

PUGET LAW GROUP, LLP  
Attorney for the Plaintiff

By:   
Casey M. Arbenz, WSBA #40581

